

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: AARON M. MILLER, Debtor, PNC BANK, NATIONAL ASSOCIATION, Movant/Claimant, v. AARON M. MILLER, and RONDA J. WINNECOUR, Ch. 13 Trustee, Respondents	Bankruptcy No. 06-25243 Chapter 13 Related to Doc. No. 89
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MOTION FOR ORDER DIRECTING PAYMENT OF FUNDS TO CLAIMANT
PURSUANT TO 11 U.S.C. § 347 and 28 U.S.C. § 2041, et seq.

AND NOW, comes Claimant, PNC Bank, National Association (the “Claimant”), by and through its undersigned counsel, and files this Motion for Order Directing Payment of Funds to Claimant Pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2041, et seq. (the “Motion”), representing as follows:

The Parties

1. PNC Bank, National Association is a national bank with offices in Philadelphia, PA. True and correct copies of the W-9 form for Claimant are attached hereto as Exhibit A.
2. Respondents, Aaron M. Miller, filed for bankruptcy protection pursuant to Chapter 13 of the Bankruptcy Code on October 24, 2006.
3. Ronda J. Winnecour is the duly appointed Chapter 13 Trustee (“Trustee”) and is currently acting in such capacity.

Jurisdiction and Venue

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. §§ 347 and 350 and 28 U.S.C. § 2041, et seq.

Factual Background

5. On or about October 31, 2006, Claimant's predecessor in interest, National City Bank, filed a Proof of Claim in the present bankruptcy in the amount of \$7,903.31 at Claim No. 2. A true and correct copy of the Proof of Claim is attached hereto as Exhibit B.

6. At the time the Proof of Claim was filed, National City Bank was the owner of the claim.

7. National City Bank merged into PNC Bank, National Association, thus Claimant became the owner of the Proof of Claim and all rights to receive distributions with respect thereto. A true and correct copy of a document showing is attached hereto as Exhibit C.

8. On October 26, 2009, the Trustee filed a Receipt of Funds Received for Deposit into Registry Account. Receipt Number 09851, Fee Amount \$7,903.31 with the Clerk, U.S. Bankruptcy Court (the "Clerk"). The Trustee stated that the check represented unclaimed funds owed to National City Bank. As shown above, Claimant is the owner of those funds. A true and correct copy of the Receipt is attached hereto as Exhibit D.

9. Claimant did not receive the \$7,903.31 referenced in the Report as being monies to be distributed to Claimant.

10. Pursuant to 11 U.S.C. § 347 and 28 U.S.C. §§ 2041 and 2042, Claimant requests that this Honorable Court issue an order directing payment by the Clerk to the Claimant in the amount of \$7,903.31.

WHEREFORE, the undersigned, respectfully requests that this Honorable Court reopen the present bankruptcy and grant the Claimant's Motion for Order Directing Payment of Funds to Claimant.

Respectfully submitted,

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Dated: May 6, 2014